

AMENDED IN ASSEMBLY AUGUST 31, 2009

AMENDED IN ASSEMBLY AUGUST 24, 2009

AMENDED IN ASSEMBLY JULY 6, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Concurrent Resolution

No. 76

Introduced by Assembly Member Eng

(Coauthors: Assembly Members Furutani, Hayashi, Huffman, Jones, Mendoza, and ~~Swanson~~ Swanson, Adams, Ammiano, Arambula, Bass, Beall, Tom Berryhill, Blakeslee, Block, Blumenfeld, Brownley, Buchanan, Caballero, Charles Calderon, Carter, Chesbro, Cook, Coto, De La Torre, De Leon, DeVore, Duvall, Emmerson, Evans, Feuer, Fletcher, Fong, Fuentes, Galgiani, Garrick, Gilmore, Hagman, Hall, Harkey, Hernandez, Hill, Huber, Krekorian, Lieu, Bonnie Lowenthal, Ma, Monning, Nava, Niello, John A. Perez, V. Manuel Perez, Ruskin, Salas, Saldana, Skinner, Solorio, Audra Strickland, Torlakson, Torres, Torrico, Tran, and Yamada)

May 26, 2009

Assembly Concurrent Resolution No. 76—Relative to Day of Inclusion.

LEGISLATIVE COUNSEL'S DIGEST

ACR 76, as amended, Eng. Day of Inclusion.

This measure would acknowledge December 17 each year as an annual “Day of Inclusion” in recognition and appreciation of the priceless contributions of all immigrants to the greatness of the United States and California.

Fiscal committee: no.

1 WHEREAS, In 1886, the United States Supreme Court, in Yick
2 Wo v. Hopkins (1886) 118 U.S. 356, 369, stated that “the
3 fourteenth amendment to the constitution... says: ‘Nor shall any
4 state deprive any person of life, liberty, or property without due
5 process of law; nor deny to any person within its jurisdiction the
6 equal protection of the laws.’ These provisions are universal in
7 their application, to all persons within the territorial jurisdiction,
8 without regard to any differences of race, of color, or of
9 nationality”; and

10 WHEREAS, The Burlingame Treaty of 1868, which encouraged
11 the flow of Chinese immigration, was signed into law with the
12 intent to protect Chinese in the United States against discrimination,
13 exploitation, and violence in the United States; and

14 WHEREAS, Chinese immigrants arrived in large numbers and
15 greatly contributed to the advancement and progress of the United
16 States to its position as one of the world’s greatest superpowers,
17 through contributions including assisting in building the first
18 transcontinental railway connecting the country from east to west
19 by laying down tracks throughout the dangerous Sierra Nevada
20 mountain terrain, parting the waters to build the vital levees of the
21 California Delta, and establishing California’s world-class
22 agriculture and fishing industries; and

23 WHEREAS, The Chinese Exclusion Act of 1882 was the first
24 major law to single out and forbid a specific ethnic group, the
25 Chinese, from immigrating to and becoming naturalized citizens
26 of the United States, and was followed by the Geary Act of 1892,
27 which extended the prohibitions of the Chinese Exclusion Act of
28 1882 and imposed new and onerous requirements on Chinese
29 immigrants; and

30 WHEREAS, In the wake of the Chinese Exclusion Act of 1882
31 and the Geary Act of 1892, additional laws were enacted to
32 perpetuate discrimination and unequal treatment of Chinese and
33 other minority groups, including numerous antimiscegenation laws
34 that prohibited marriage between white women and men of
35 minority background or ancestry; the Alien Land Law of 1913 that
36 prohibited “aliens ineligible for citizenship” from owning land or
37 property; the Cable Act of 1922 that terminated the United States
38 citizenship of any woman who married an alien ineligible for
39 United States citizenship; the Immigration Act of 1924 that limited

1 the number of immigrants who could be admitted from any country
2 and prohibited the immigration of all Asians; and

3 WHEREAS, The Chinese fought against such unequal treatment
4 and filed hundreds of appeals, resulting in 17 cases being brought
5 before the United States Supreme Court, thereby invoking the
6 protections of the 14th Amendment to the Constitution of the
7 United States; and

8 WHEREAS, The Chinese Exclusion Act, passed on May 6,
9 1882, was finally repealed on December 17, 1943, by way of the
10 Magnuson Act, marking a turning point in societal reaction toward
11 immigrants and their common struggle for fairness and equality;
12 and

13 WHEREAS, An abundant list of Chinese Americans have
14 contributed their time, energy, and talents toward the betterment
15 and progress of this nation and all peoples; Jerry Yang (cofounder
16 of Yahoo! Inc.), Charles Wang (founder of Computer Associates,
17 Inc.), and others have founded and led some of this nation's great
18 companies; John Liu Fugh (first Chinese American officer to attain
19 the rank of General in the United States Army), Francis B. Wai
20 (first Chinese American to receive the Medal of Honor), and others
21 have contributed their lives in service to our nation; Tsung-Dao
22 Lee (Nobel Prize recipient in Physics), Roger Y. Tsien (Nobel
23 Prize recipient in Chemistry), and others have contributed their
24 great skills and talents to the fields of science and mathematics;
25 Hiram Leong Fong (First Chinese American to be elected as a
26 United States Senator), Thomas Tang (First Chinese American
27 appointed to the Federal Judiciary), and others have led and
28 continue to lead at all levels of government; and

29 WHEREAS, According to data from the 2000 United States
30 Census, immigrant business owners generate \$67 billion of the
31 \$577 billion in United States business income, or approximately
32 12 percent, as estimated by the federal Small Business
33 Administration's Office of Advocacy; and

34 WHEREAS, Chinese Americans share many commonalities
35 with other minority groups within the United States: all reside in
36 the United States in search of opportunities to better their lives
37 and the lives of their families, hope to fulfill their dreams through
38 diligence and hard work, experience prejudice and discrimination
39 from both society and government, and nevertheless succeed in

1 many respects despite much adversity and many stresses and
2 pressures; and

3 WHEREAS, Executive Order 9066, issued by President Franklin
4 D. Roosevelt on February 19, 1942, allowed for the incarceration
5 of 120,000 Japanese Americans without due process of the law as
6 well as the discharge of Japanese Americans serving in the Armed
7 Forces, and was followed by the establishment of the War
8 Relocation Authority to administer the relocation of Japanese
9 Americans to internment camps; and

10 WHEREAS, On August 10, 1988, President Ronald W. Reagan
11 signed the Civil Liberties Act of 1988, which found that Executive
12 Order 9066 was caused by racial prejudice, war hysteria, and a
13 failure of political leadership, apologized on behalf of the people
14 of the United States for the evacuation, internment, and relocation
15 of Japanese Americans during World War II, and provided for
16 restitution to those Japanese Americans who were interned; and

17 WHEREAS, The repeal of the Chinese Exclusion Act of 1882
18 on December 17, 1943, 60 years after its enactment, marks the
19 date when the United States expressed a commitment to break
20 down cultural barriers, appreciate differences, enrich cultural
21 diversity, and further racial, religious, and cultural tolerance; and

22 WHEREAS, According to the data from the United States
23 Federal Bureau of Investigation, in concurrence with the ongoing
24 immigration reform debate, hate crimes targeting Hispanic
25 Americans rose 40 percent from 2003 to 2007, marking the four
26 consecutive years of increases; and

27 WHEREAS, The amount of anti-Semitic extremist rhetoric and
28 activity has increased, causing Jewish Americans and institutions
29 to fall victim to bias-motivated violence; and

30 WHEREAS, Despite the commitment of the United States to
31 further racial, religious, and cultural tolerance, embodied by the
32 repeal of the Chinese Exclusion Act of 1882, intolerance and
33 discrimination against immigrants and minority groups persist,
34 and the 66th anniversary of the repeal of the Chinese Exclusion
35 Act of 1882, on December 17, 2009, represents a timely and
36 excellent opportunity for our nation to rededicate itself to the
37 eradication of intolerance and discrimination against immigrants
38 and minority groups; now, therefore, be it

39 *Resolved by the Assembly of the State of California, the Senate*
40 *thereof concurring,* That the Legislature joins all Californians

1 throughout the state in acknowledging December 17 each year as
2 an annual “Day of Inclusion” in recognition and appreciation of
3 the priceless contributions of all immigrants to the greatness of
4 the United States and especially to our great state, California; and
5 be it further
6 *Resolved*, That the Chief Clerk of the Assembly transmit copies
7 of this resolution to the author for appropriate distribution.

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